MANLAND JURIST Slave Also Report Breaking Ger-

Federal Audge Morrow of San Francisco Sustains Demurrer To Federal Indictment

OUSTED OFFICIAL ACTED WITHIN HIS AUTHORITY

Foster L. Davis' Exoneration Is Complete and Criminal Case Is Ended

Judge William W. Morrow of the sinth circuit court of appeals of San Prancisco yesterday, in a longthy ruling handed down in the local federal court, sustained the demurter to the indictment in the case of the United States

ment in the case of the United States against Foster L. Davis, former deputy and Inter clerk of the United States district court for Hawaii, in which Davis was charged with irregularities in the conduct of his office.

'It follows that, in our opinion, the indictment is the present case does not state an offense against the United States,' says Judge Morrow, at the conclusion of the ruling, which contains fourteen pages of typewritten matter.' The demurrar must therefore be sustained and the indictment quashed, and it is so ordered.'

Not only was the demurrer sustained and the indictment quashed but Judge Morrow completely exonerated Foster L. Davis from the charge of alleged wrongdolug. After quoting section 57 of the penal code, held by District Attorney Huber to support the indictment. Judge Morrow disposed of the charge in the following clear and concise language:

Davis Is Exonerated

"The first objection we find to the application of this statute to the charges contained in the indictment in that the charges in the indictment do not follow the language of the statute; and the second in that the facts constituting the charge of embezziement are set forth with particularity in the various counts of the indictment, and we have calready found that they do not constitute embezziement, nor do they, in our opinion, show that the defendant wrongfully converted to his own use any money or property which came into his possession or under his control in the execution of his office or employment. Davis Is Exonerated

ment.

"On the contrary, we have found that he rightfully came into the possession of the moneys charged to have been received by him and that he did not convert such moneys to his own use except insofar as authorized by

ering a period of practically two years up to the time of his death, the busi-ness of the clerk's office was conducted almost entirely by Davis, although the late Mr. Murphy continued nominally

Following his chief's death, Davis Following his chief's death, Davis was appointed to speceed him, the appointment being made by Federal Judges Dole and Clemons. The "inside" story is that, while Judge Dole insisted that Davis be promoted. Judge Clemons steed out for George R. Clark, then private secretary to Governor Pinkham. It is known that Clark was asked by Judge Clemons to apply for the position, which he did. At any rate Davis was made clark, was made clerk.

Clemens Ousts Clerk.
Judge Dole retired from the federal bench on December 16, last year, when his commission expired. Later on, withhis commission expired. Later on, with only one judge in charge of the local federal court, Judge Clemons asked Davis to resign. This, the latter refused to do. Then Judge Clemons ousted Davis, declaring the office vacant and appointing William L. Rosa, Davis' first deputy, as cierk temporarily. The following day Judge Clemons appointed George R. Clark, who was sworn in and took office immediately.

Davis claims that he requested that he ted any overt act in office while he was be permitted to appear before the grand pury, but that this was denied him. He felt sure then, he said, that his explanation would have assisted the grand pury in their deliberations. A case in point, where a man against whom charges a way to be brought was resmitted to pury in their deliberations. A case in point, where a man against whom charges were to be brought was permitted to appear before the grand jury, says Davis, was that of Jeff McCarn, former district attorney, who was allowed to go before the grand jury when it heard the criminal assault charges against him and eventually indicted him for assault with a deadly weapon upon Claudius H. McBride.

ius H. McBride:
Davis case caused considerable discussion resterday, following his complete exoneration and the question was

frequently asked; What Will Clemons Do? "What is Judge Clemons going to do about it?" Speculation is rife on this score. The

man Assaults Against Their Lines Near Riga

(Concluded from Page 1) he Germana took three hundred me-ers of the advanced French trenches. East and west of Douaumont there East and west of Douaumont there were no infantry attacks yesterday, although the artillery continued pounding away without a pause.

Upon the eastern war front the Germans have apparently been attempting to break down the Bussian resistance in the neighborhood of Bigs, and they have been using their heavy guns to smash the railroad east of that city, but with little result.

Shave Gain In Caucasms
In the Caucasms In the Caucasms and they continues to move steadily on-

Dake continues to move stendily on-ward and yesterday his headquarters reported minor successes, with the Turks still retrenting west and south-

Greece is stirred to the depths over

Greece is stirred to the depths over the invasion of Greek soil by a force of Bulgarians, reported to be accompanied by Germans.

Despatches from Athens tell of the breaking out of serious troubles after the receipt of the news that the Bulgarians had crossed the border. Mobs formed in the streets and the pro-Ally sentiment was strongly shown, the supporters of Ex-Premier Venizelos, who counseled joining the Allies who counseled joining the Allies making demonstrations in the streets and around the public buildings.

STRIKE MAY PARALYZE

Fwenty, Thousand Longshoremen Threaten 'Walkout'

SAN FRANCISCO, May 30.—Twelve thousand longsheremen and riggers at work in the ports of the Pacific Coast, from San Diego to Alaska, will go on strike on June 1, tying up shipping and threatening business in all of the Coust States.
The Waterfront Employers' Associa

tion, after a prolonged discussion of the demands made by the men, decided yesterday absolutely to reject the terms

They will not give the fifty-five cents an hour and the dollar an hour overtime, insisted upon by the workers, claiming that the demands are unreason-

APPEAL WILL BE TAKEN IN CASE OF DOCTOR WAITE

The Case Reviewed

The Davis case caused considerable discussion in Honolalu, particularly in judiciary circles. Davis was first deputy under the late Augustus E. Murphy, who was clerk of the federal court. During Mr. Murphy's long illness, covering a period of practically two years up to the time of his death. The Case Case of the clerk is a control of his father and mother in law, have de-cided that, they will ignore his wishes and file an appeal in his case to the New York Court of Appeals. Just when this will be done, a brother of Waite, who lives here, declined to say last night, but the presumption is that the action will be taken immediately.

DR. GRANT LYMAN WILL

(Associated Press by Federal Wireless.) NEW YORK, May 30.—Dr. Grant yman, accused of having used the nails to defraud, will face a jury this morning. The accused is acting as his own attorney, and claims that he closed his brokerage business in this city, and fled, because he feared that he was to be arrested as a German spy, and because of having been inwalved in plots to blow up munition ships.

UNIONS AID IN SPEEDING

(Associated Press by Federal Wireless.) LONDON, May 29.—Minister of Munitions Lloyd George and the represen-tatives of the unions have agreed that the Whitsuntide holidays shall be postponed for two months in order that

terday by Judge Morrow, should come Davis! way.

Emil C. Peters Also Winner

Emil C. Peters presented and argued the demurrer which Judge Morrow sutained yesterday. He had associated with him Attorneys R. W. Breckons, Charles F. Parsons, A. D. Larnach and Charles S. Davis.

Inasmuch as Judge Clemons had con siderable to do in the events that led up to Davis' indictment, he held him-self disqualified to handle any proceedings in relation to the case and Judge Morrow was ussigned by Judge Gilbert of the circuit court of appeals of the ninth circuit to come here trum Son federal beach has again a full comple. Francisco to handle the cone.

Piled Up Private Fortune He Benefited Mankind

(Concluded from Page 1) and as she went he left a trail of emand as she went he left a trail of em-bryonic farms by the railside.

With the line to Puget Sound once Inid, he turned Empire Builder. He In-troduced the live stock industry into vast areas of bunch-grass plains, and developed them by importing blooded stock; he sent demonstration trains through the country with men who showed the people how to raise more wheat to the sere; he made an outlet for the grain by establishing a cheap rate by rail and steamship to Buffalo where he built elevators; in fact for where he built elevators; in fact for upwards of 20 years he left nothing in his power undone to develop the country where he had staked out his claim as the great common carrier.

Organizes Pacific Fleet But at the Pacific tide water he was not satisfied for he saw in the Orient still further opportunities. He organis-ed a fleet of Pacific steamships for the commercial invasion of Japan and China. Japan at the time wanted steel rails, but proposed getting them from England, as the rates were less. It is related that when John W. Gates, the steel magnate of Chicago, came to Hill with the proposition of getting Amer-ican rails to Japan, the latter replied: "I will make you a rate of eight dol-lars a ton from Chicago or Pittsburgh to Yokohama. If that is too much, I

will earry it for the axle grease use on the locomotives and freight cars; and if you can't stand that, I will carry your freight for nothing." At the eight-dollar rate named, the American manufacturer was enabled to cure the Japanese contract.

The same tactics were adopted in getting American wheat and flour into and China, where rice was the staple food.

His faith in the Far East was warded as liberally as that Northwest. It is estimated that the Pacific fleet now carries nearly \$50,000,000 worth of products to the Orient

While Hill built up for himself and also helped to create for the settlers along his lines a wealth of more than five billion dollars in real property, which is represented by the value of the 400,000 farms and their 65,000,000 scres of improved land. Success Is No Secret

Upon his retirement at sixty-nine, the "streak of rust" he had bought thirty years before, had expanded to more than 6000 miles and it was earning gross profits of more than \$66,000, 000 a year, and carrying 15,000,000 tons of freight annually. He still retained a hand in the Great Northern's policy as chairman of the board of directors while his son Louis, who had worked up from the humblest position of hi father's railroad became president.

The secret of the Hill success was no

But the secret of failure he frequently declared to be extravagance. He regarded this as a national tendency, against which he strongly set himself, particularly as concerned the natural resources.

During his active supervision of the from Honolulu. A standard of four teen per cent butter fat is held necessary in ice cream.

ANT LYMAN WILL BE TRIED FOR FRAUDS

TART LYMAN WILL BE TRIED FOR FRAUDS

AND LYMAN WILL BE TRIED FOR FRAUDS

TART LYMAN WILL BE TRIED FOR FRAUDS

TART LYMAN WILL BE TRIED FOR FRAUDS

TART LYMAN WILL BE TRIED FOR FRAUDS

TO A tourist who declares that there are affont in the Swedish section of the Northwest upwards of 10,000 different stories in Swedish dialect with "Yem Hell" as the centerpiece. Parance of having used the tous of his lines have, liked and disabled was his point to have his way, not only with the rats. There has been no in-UP MAKING OF MUNITIONS he began to preach this at a time when

their efforts to accelerate the output of tical head, of his great railway system. He was the chief promoter and president of the Northern Securities Com-

FULL OF ACTION Would Light While Master Railroad Builder Streets Better Congress and Departments Are

Gas Corporation Asked Why It Has Not Complied With Requirements of Franchise

The public utilities commissioners, through Chairman Charles R. Forbes, want to know why the Honolulu Gas Company has not installed fifty street lights in the different sections of the city as provided in the franchise. The reply made by the officials of the con-cern was that until the company went into the street lighting business, it did not think it was compelled to Company has not installed fifty street

A portion of the section referring to the erection of lamp posts in the public streets, reads as follows: "And public streets, reads as follows: "And provided, further, that if said W. W. Dimond shall manufacture and supply illuminating gas, as well as gas for fuel, and shall erect lamp posts as aforesaid, he shall on requisition of the superintendent of public works, furnish free of cost, fifty street lights, and thereafter shall each year furnish five more in addition to the number furnished the preceding year.

The company's understanding of the section, did not seem to appeal to the commission which will look into the matter.

For the information of the commissioners they were told that the county and the gas company has had much correspondence on the subject of street lighting, and that the correspondence was at his disposal at any time.

Acting Manager Frank Q. Cannon represented the gas company at the meeting of the utilities commissioners yesterday. The commissioners notified him that as soon as their auditor is through with his investigation of the company's books, there will be another meeting and that a physical examination of the property and plant of the company will be made at a future date.

While Hill built up for himself and STANDARD OF MILE

Food Inspector Hansen Will Go After Ice Cream Vendors

Once or twice a month the Hilo oard of health, under the direction of the chief sanitary inspector, makes an exhaustive inspection of the milk distributed throughout the city. Last The secret of the Hill success was no secret at all, according to Mr. Hill, and he had no new recipes to offer. "The man with the big opportunity today," he said, "is the man in the ranks." be away above the standard of three part the secret of failure he frequently.

Next on the program for inspection will be the ice cream vendors about the city, especially among the Japan-ese. This will be accomplished when Food Imspector Hausen arrives in Hilo

PICKS UP IN CAPITAL

Reported To Be Moving Local Affairs Briskly

BY ERNEST G. WALKER (Mail Special to The Advertiser) WASHINGTON, May 20, Severa matters of Hawaiian business before ougress and the departments have been moving somewhat this week. It is a time of year when congress i speeding up marvelously. Hardly a day passes without something of moment-being accomplished. Accordingly Ha-walian business is moving with the large volume of other business, over much of which congress has been delaying for months.

John Desha, who has been handling the Gas Franchise Bill for Hile has had a hearing before the house territor-ies committee and today, after further conference with a sub-committee, the bill was redrafted and introduced in bill was redrafted and introduced at the house. There are good prospects that it will pass before the close of the

with General Macomb, at the war col-lege with reference to the military road on the Island of Oahu. The delay on a report regarding this bill from the war department has been due to the policy of the war college of making a technical study of every subject referred to it. Mr. McClellan found Ganeral Macomb very friendly to the idea of a military read around the island.

Col. C. J. McCarthy, treasurer of the Territory, has gone to New York, where Territory, has gone to New York, where he has had much success in marketing an issue of bonds.

an issue of bonds.

The Rivers and Harbors Bill, carrying a senate amendment of \$250,000 for Kabului harbor, is dragging along before the senate. There is a filibuster on against the entire measure and no one can tell just how long it will last. There are enough votes to pass the bill, whenever the talking is over.

B. F. Bowman of Hile has been in Washington attending health conven-

Washington attending health conven-tions. With him is his brother in law,

OLAA AGAIN LEADS

FIRST STEP TOWARDS



MARINE INTELLIGENCE By Merchants' Exchange

San Francisco—Sailed, May 26, ship M. Chillcott for Honotulu.
San Francisco—Sailed, May 27, 1:40 p. m., str. Persia Maru for Honotulu.
Hilo—Sailed, May 25, sch. Santa Maria for Port San Luis.
Mahukona—Sailed, May 26, sch. Annie Johnson for San Francisco.
Hilo—Sailed, May 25, 4:00 p. m., str. Hilo—sailed, May 25, 4:00 p. m., str. Hilo—sailed, May 26, sch. Expansion, hence May 2.
San Francisco—Arrived, May 28, sch. Expansion, hence May 16.
Sentite—Sailed May 27, str. Hyades for Honotsiu.
Yokohams—Arrived May 20, str. Presidente Sarmiento hence May 20, str. Presidente present session.

George McK. McClellan has taken up with the department of commerce the question of allowing vessels to call at Honolulu for coal and supplies without being subjected to provisions of the scamen's act. Secretary Redfield approved and an order to the federal officials of the port of Honolulu has been cabled accordingly.

Mr. McClellan is also conferring again

Mr. McClellan is also conferring again

Remitle—Salled May 27, str. Hyades for monolalu. Tokohama—Arrived May 20, str. Presidente J. Sarmiento hence May 27, str. Aikoku hence May 7.

Kahului—Salled May 27, str. Aikoku hence May 7.

Kahului—Salled May 27, str. Aikoku hence May 7.

Kahului—Arrived May 27, str. Enterprise from Santiul—Arrived May 28, schr. Mabel Gale from Seattle.

San Francisco.

Kahului—Arrived May 28, schr. Mabel Gale from Seattle.

San Francisco.

Kahului—Arrived May 29 (2:20 p. m.) hence May 23rd. str. Sierra.

PORT OF HONOLULU.

ARRIVED

Str. Kinau from Kauai, 5 a. m.

Str. Mauna Kea from Hawaii, 6:15 a. m.

Str. Likelike from Kauai, 6:25 p. m.

Str. Kioto Maru, from New York via
he canal, 6:30 p. m.

Str. Claudine from Maui, 12:02 a. m.

Str. Mauna Lea from Molokai 1:40 a. m.

Str. Mauna Lea from Kauai, 5:45 a. m.

Str. Mauna Lea from Kauai, 5:45 a. m.

Str. Fukui Maru from Marorau, 8:15 a. m.

Str. Fukui Maru from San Francisco, 8

M.

Sonoma from San Francisco, 10 a. Texan from San Francisco, 10 a. n DEPARTED

Gas. seh. Masens, for Maul, 12;10 a. m. Str. Towa Maru for Maulla, 6:15 p. m. Str. Mauna Kea for Hilo, 3 p. m. Str. Wallele for Hawaii, 9 a. m. Str. Kioto Maru for Shanghni, 10:30 a. s Str. Somona for Sydney and Way port

30 p. m.
Str. Columbine for cruise, 5:65 p. m.
Str. Kinau for Kauai, 5:10 p. m.
Str. Claudine for Maui, 6:35 p. m.
Str. Likelike for Kauai, 6:36 p. m.
Str. Likelike for Hawali, 8:56 n. m.

PASSENGERS ARRIVED

OLAA AGAIN LEADS

ON STOCK EXCHANGE

By str. Mauna Loa from Kaual. May 28,—Charles A Rice. Mrs. Rice. Mrs. Hans Isonberg. C. W. Spitz, W. E. Shaw. Mrs. W. C. Brewer, A. H. Hannes, J. H. Eybes, 8. Oyama, W. T. Rodrigues, John Gomes, Mrs. Roman, A. J. Atthinson, Mrs. Mughy, Mrs. Lyones, Clement Wong, E. Yap, Mrs. Lovell, Mrs. W. A. Fernaudes, Mrs. Swar, H. Johnson, Rui Tong, Wohle and Lander from Maul. May 28,—C. H. Lleuser, N. D. Lleuser, Mrs. A. Moon, T. Tamakal, Mrs. Machado, Mrs. Cowan, E. Murphy, J. Chung, Leong, T. Akeitahi, Miss Schmidt, Mrs. V. Ablu, E. H. Brown, T. Zannae, Mrs. W. Mourose, E. B. Keeff, Mrs. E. B. Keeff, L. C. Lindsey, N. Aluli, H. R. Austin, Miss F. Baldwin, L. C. Lindsey, N. Aluli, H. R. Austin, Miss F. Baldwin, C. Lindsey, N. Aluli, H. R. Austin, Miss F. Baldwin, C. Lindsey, N. Aluli, H. R. Austin, Miss F. Baldwin, L. Beisson, E. Child, Miss, T. R. Canferon, Mrs. J. Campbell, Miss Hub, Campbell, J. Carter, Mrs. R. D. Halles, C. P. Hall, Mrs. William Higelins, Mrs. M. Checking, H. H. Hogan, Mrs. L. Beisson, E. Chilf, Miss E. Greige, Mrs. William Higelins, Mrs. M. Checking, H. H. Hogan, Mrs. L. W. Campbell, J. Carter, Mrs. R. D. Halles, C. P. Hall, Mrs. William Higelins, Mrs. M. Checking, H. H. Hogan, Mrs. L. W. H. Honson, Mrs. L. Resson, Mrs. L. J. Sterley, Mrs. William Higelins, Mrs. M. Checking, H. H. Hogan, Mrs. L. J. Sterley, Mrs. William Higelins, Mrs. M. Checking, H. H. Hogan, Mrs. L. J. Sterley, Mrs. Williams, H. H. Honton, Miss M. Rosenhetz, J. Scholein, Rams School, Mrs. L. J. Sterley, Mrs. J. Kanpo, Miss N. Pinterson, W. M. Smith, William N. P. H. Camberon, Mrs. A. J. Kanpo, Miss N. Pinterson, W. M. Smith, William N. Pinterson, W. M. Smith, William N. P. H. Camberon, Mrs. J. Kanpo, Miss N. Pinterson, W. M. Smith, William N. P. R. Lees, M. Kannes, P. Markette, P. M. Camberon, Mrs. A. J. Kanpo, Miss N. Pinterson, W. M. Smith, William N. P. W. J. Kanpo, Miss N. Pinterso

PASSENGERS DEPARTED By str. Claudine for Maul, May 28.—H. Bowen, Mrs. Pratt. Thomas Pratt. Mrs. W. Hoe, Paul Hoe, Miss Hoe, R. E.

Mercantile. C. Brewer & Co....

Sugar.

Ewa Plantation Co. 3436 3456 845

Haiku Sugar Co. 200 ... 205

Haw'n Agr. Co. 200 ... 205

Haw'n Com'l Sugar ... 5436 54 544

Haw'n Sugar Co. 5096 5036 51

Honokaa Sugar Co. 1256 11 12

Honomy Sugar Co. 180 ... 210

Hutchinson Sugar Co. 3046

Kahuku Plant'n Co. 2014 24 25

Kakuka Sugar Co. 1236 Kekaha Sugar Co. .. 172 Pepeekeo Sugar Co. . 150 14 1416 3216 3814 Pieneer Mill Co. . . 54 San Carlos Mill Co. . . 127 Waialua Agr. Co. . 38

Haiku F. & P. Co. ptd 1916 17 20 Haw's Electric Co. 16716 Haws. Pine Co. 43 43 4416 Hon. Brew. & Malt. 1896 1816 1696 Hon. Gas Co. 120 126 H. R. T. & L. Co. . 160 1/2 . . . Mutual Te. Co. ... Pahang Rubber Co., Selma-Dindings Plan Ltd. pd. Selma Dindings Plan. Ltd. Pd. (42% Bd) 13 13 6% Tanjong Olok Rub.

Rouds.

Hamakua Ditch Co. 6s 103

Haw. Irr. Co. 6s. 95

Haw. Ter. Imp. 4s. 101

Honokas Sugar 6s. 96

Hon. Gas Co. 5s. 105

H. R. T. & L. Co., 6s. 104½

Kanai Ry. Co. 6s. 101

McBryde Sugar 5s. 100

Mufual Tel. 5s. 106

O. B. & L. Co. 5s. 106

Oahu Sugar Co. 6s. 108

Olas Sugar Co. 6s. 108

Olas Sugar Co. 6s. 108

Olas Sugar Co. 6s. 108

Pac. Guano & Fert. Co. 105

Pac. Sugar Mill Co. 6s 109

San Carlos 6s. 100;

BETWEEN SOARIG.

Olaa 100, 100 23.6212; Olaa 55, 40,
50, 15, 35, 360, 250, 23.75; McHryde100, 160, 50, 35, 50, 14.56; Wainium 135,
50, 70, 40 100 38.60; Only Sugar Co.
10, 15, 43.75; Selma-Dindings Asses.
50, 6.50; Tanjong Olok 10, 10, 20,
47.00; Hawatian Bugar Co. 5, 5, 65,

Olas 20, 20, 100, 15, 46, 40, 65, 23 Ews 35, 34,52%; Waislus 25, 38, 39 Oahu Sugar Co. 5, 15, 48,25; Ews 34,75; San Carlos 25, 14,00; Oahu S

NOTION

No nession of the Exchange tomorow, May 20, 1910. Memorial Day.

SUGAR QUOTATIONS

88° analysis bests (no advices)

Parity—

96° Cent. (for Haw. sugars), 6.02.

EURREE QUOTATIONS

May 25, 1916.

Singapore

Bingapore Age

process of the enterpress of t